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In re Application of
PARTINGTON, et al. : DECISION ON
Application No.: 09/601,477 :
PCT No.: PCT/GB99/00194 : PETITION
Int. Filing Date: 20 January 1999 :
Priority Date: 04 February 1998 : UNDER 37 CFR 1.182
Attorney Docket No.: CILB 10858US :
For: BATTERY :

This decision is in response to applicants' "PETITION UNDER 37 C.F.R. 1.182" filed 14 February 2001.

BACKGROUND

On 20 January 1999, applicant filed international application PCT/GB99/00194, which claimed priority of an earlier application filed 04 February 1998. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 August 2000.

On 03 August 2000, applicant filed a Transmittal Letter for entry into the national stage in the United States, which was accompanied by, inter alia: the basic national fee; a copy of the international application; an International Preliminary Examination report; an International Search Report and a first preliminary amendment. An executed oath or declaration was not filed.

On 22 August 2000, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration executed by the inventor and the \$130.00 surcharge for filing after the thirty-month period were required. The notification set a ONE (1) MONTH period for response.

On 23 October 2000, applicant responded with an executed combined declaration and power of attorney; a petition for a one month extension of time. With the filing of the one-month extension of time, the response was considered timely filed.

On 01 November 2000, applicant was mailed a NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916) and a NOTIFICATION OF A DEFECTIVE OATH OR

DECLARATION (Form PCT/DO/EO/917) as the executed combined declaration and power of attorney identified the second joint inventor as David Colin BROWN whereas the international application identifies the second joint inventor as David Colin SMITH.

On 14 February 2001, applicant responded with the present petition under 37 CFR 1.182.

DISCUSSION

The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order.

The papers have been reviewed and the papers are accepted.

The declaration submitted on 23 October 2000 and executed by Kenneth Michael Partington and David Colin Brown is accepted.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from David Colin SMITH to David Colin BROWN is **GRANTED**.

The application has an international filing date of 20 January 1999 under 35 U.S.C. 363 and a date of **23 October 2000** under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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